



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/796,085	03/10/2004	Yi-Ting Chen	MR2349-998	2317
4586	7590	12/14/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLICOTT CITY, MD 21043			TON, ANABEL	
			ART UNIT	PAPER NUMBER
			2875	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/796,085	Applicant(s) CHEN, YI-TING	
	Examiner Anabel M. Ton	Art Unit 2875	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 March 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-24 and 27-29 is/are allowed.
- 6) ☒ Claim(s) 1-9, 11, 12, 25 and 26 is/are rejected.
- 7) ☒ Claim(s) 10 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|-------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date: _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The recitation "A backlight module with two translucent faces applicable to a scanner for scanning a transparent document said backlight module comprising" has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).
2. With regards to the recitations following "being used for" or "being used to" in claims 1,5,6,7,25,26, a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In this case applicant has recited no structure as to how the elements recited after "being used for" or "being used to" correlate in a functional manner to the structural elements of the claim.

Claim Objections

- Claim 13 and 27 are objected to because of the following informalities: Applicant recites the reflective plate between two light guide plates but applicant has not clearly recited where the second translucent portion is or if the reflecting plate has two reflecting surfaces to facilitate reflecting in both directions. Appropriate correction is required.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-9,11,12,25,26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Liao (5,764,493).
5. Liao discloses the claimed invention except for the recitation of the first portion being translucent shell having a first and second translucent portion. With regards to first portion being translucent instead of transparent, it would have been obvious to one of ordinary skill in the art at the time the invention was made to make the first portion of Liao transparent since applicant admits in pp. 7 line 3 of the specification that an embodiment where the first and second portions are transparent is preferably desired. Liao discloses a shell (1) having a first (11) transparent portion and a second

translucent portion and a light source disposed in the shell the light source unit comprising at least a lamp tube and a light guide plate, the light guiding plate guides the light to penetrate the first and second portions (figs 1,5 and 7);

- The first and second portions are correspondingly disposed up and down on the shell (fig 1 and 5);
- The first and second translucent portions are transparent plates (8,11, col. 5 lines 38-44);
- The lamp tube is arranged beside said light guide plate ((5, fig 1);
- A diffuser arranged above said light guide plate (43, fig 1);
- A transreflective panel arranged below said light guide plate (41), and said transreflective panel;
- Although Liao does not specifically teach a clamping component, Liao does teach the first and second transparent portions (8,11) cooperating to clamp/hold a film for scanning (col. 5 lines 38-44). It would have been an obvious to one having ordinary skill in the art at the time the invention was made to use a clamp for holding a film in the device of Liao since the examiner takes Official Notice of the equivalence of a clamp for holding a film to be scanned and the holding surfaces 8,11 of Liao for their use in the image scanner art and the selection of any of these known equivalents to hold an item to be scanned would be within the level of ordinary skill in the art.
- A cover body for accommodates said shell (9).

Art Unit: 2875

- Said cover body has guide grooves (92,93,920), and said shell has guide pieces for sliding in said guide grooves (2,20).
- A mouth of said cover body faces downwards (fig 1);
- Transparent document is a slide or a negative (film);
- Liao discloses at least a lamp tube (61); a light guide plate (42) used for uniformly guiding light of said lamp tube; a second lamp tube (611); and a transreflective panel arranged below said light guide plate (43), said transreflective panel being used to both reflect and transmit output light of said light guide plate; a diffuser (41) arranged above said light guide plate.

Allowable Subject Matter

6. Claims 13-24 and 27-29 are allowed.
7. Claim 10 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter: The prior art cited of record does not teach the reflecting plate arranged between the first and second light guiding plates.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anabel M. Ton whose telephone number is (571) 272-2382. The examiner can normally be reached on 08:00-16:30.


Art Unit: 2875

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on (571) 272-2378. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

AMT

Anabel M Ton
Examiner
Art Unit 2875


Sandra O'Shea
Supervisory Patent Examiner
Technology Center 2800